HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE

AND

HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY

Writ Appeal No.948 of 2006

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Between:

G.Arogya Reddy

……Appellant

And

The Chairman,
State Level Standing Committee and
Director of School Education,
Andhra Pradesh, Hyderabad
and two others

……Respondents

:: JUDGMENT ::

Counsel for the Appellant : Shri A.Bhaskarachari

September 15, 2006

Per G.S. SINGHVI, CJ

This appeal is directed against order dated 08-06-2006 passed by the learned Single Judge, whereby he disposed of the writ petition filed by the appellant in the matter of grant of permission to establish B. Ed College by directing him to make an application in terms of National Counsel for Teacher Education (Recognition Norms and Procedure) Regulations, 2005 (for short, 'the 2005 Regulations').

Learned counsel for the appellant argued that instead of directing the appellant to file fresh application under the 2005 Regulations, the learned Single Judge should have ordained the respondents to act upon the application filed in the year 2001. He submitted that similarly situated persons who had applied in the year 2001 were granted permission to establish B. Ed Colleges in that very year or immediately thereafter, but his client's application was arbitrarily rejected and this aspect was over looked by the learned Single Judge while adjudicating the writ petition.

We have considered the submission of the learned counsel, but have not felt impressed. With the framing of the 2005 Regulations, the existing regulations under which the appellant may have applied for grant of recognition will be deemed to have been superseded. Therefore, it is not possible to issue a mandamus to the respondents to act upon the application made by the appellant in the year 2001 and grant permission for establishing B. Ed College. It needs no emphasis that under the old regulations, obtaining of 'No Objection Certificate' from the State Government was sine qua non for grant of permission to establish B. Ed College. This requirement has been dispensed with under the 2005 Regulations. Therefore, there can be no valid ground or justification to entertain the appellant's prayer for grant of permission to establish B. Ed College under the old regulations.

For the reasons stated above, the appeal is dismissed.

As a sequel to dismissal of the appeal, WAMP No.1994 of 2006 filed by the appellant for interim relief is also dismissed.

G.S.SINGHVI, CJ

C.V.NAGARJUNA REDDY,J

15-09-2006
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